

~~UDGE BARR~~UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK- - - - - X  
UNITED STATES OF AMERICA

-v.-

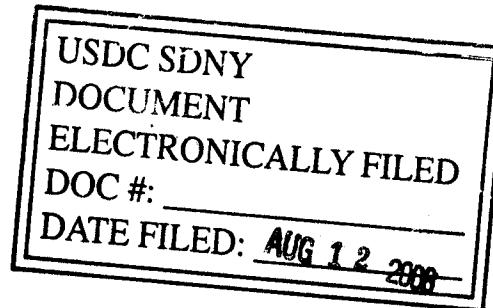
MICHAEL FELDMAN and  
LOURDES SERRANO,

: Defendants.

: 08 Cr.

- - - - - X  
COUNT ONE

The Grand Jury charges:

Relevant Persons and Entities

1. At all times relevant to this Indictment, MICHAEL FELDMAN, the defendant, was the President of Data-Rite Systems Group, Inc. ("Data-Rite"), a Manhattan-based custom software development company, and LOURDES SERRANO, the defendant, was Data-Rite's office manager. At certain times relevant to this Indictment, a co-conspirator not named as a defendant herein ("CC-1") was an outside accountant working with Data-Rite.

2. At all times relevant to this Indictment, Data-Rite maintained a line of credit with Comerica Bank ("Comerica"). Among the terms of Data-Rite's agreement with Comerica pursuant to which the line of credit was made available was that Data-Rite periodically was required to provide certain financial statements to Comerica.

The Fraudulent Scheme

3. At all times relevant to this Indictment, MICHAEL

FELDMAN and LOURDES SERRANO, the defendants, together with others known and unknown, participated in a scheme to defraud Comerica by submitting false financial documents to Comerica in order to induce Comerica to enter into a lending agreement with Data-Rite and to provide funding to Data-Rite under its lending agreement with Comerica.

4. In order to effect the fraudulent scheme, from at least in or about 2001 through in or about November 2004, MICHAEL FELDMAN, and LOURDES SERRANO, the defendants, made and willfully caused others to make materially false and fraudulent representations to Comerica to induce it to enter into and maintain a lending agreement with, and to make loans to, Data-Rite. The false and fraudulent representations included, among other things, increasing the amounts owed on certain accounts receivable, reducing the amount of time that certain accounts receivable appeared to be outstanding, failing to enter certain costs and accounts payable, and inflating net profits. In short, Data-Rite reported profits that were greater and liabilities that were lower than was actually the case.

**Statutory Allegations**

5. From at least in or about 2001 through in or about November 2004, in the Southern District of New York and elsewhere, MICHAEL FELDMAN and LOURDES SERRANO, the defendants, together with others known and unknown, unlawfully, willfully, and knowingly combined, conspired, confederated, and agreed

together and with each other to commit an offense against the United States, to wit, to violate Title 18, United States Code, Section 1344.

6. It was a part and an object of the conspiracy that MICHAEL FELDMAN and LOURDES SERRANO, the defendants, together with others known and unknown, unlawfully, willfully, and knowingly, would and did execute, and attempt to execute, a scheme and artifice to defraud a financial institution, the deposits of which were then insured by the Federal Deposit Insurance Corporation, and to obtain moneys, funds, credits, assets, securities, and other property owned by, and under the custody and control of, said financial institution, by means of false and fraudulent pretenses, representations, and promises, to wit, FELDMAN, SERRANO, CC-1, and others known and unknown, agreed to and did defraud Comerica Bank by falsely reporting Data-Rite's financial status in order to obtain, maintain, and increase certain loans to, and lending agreements with, Data-Rite, in violation of Title 18, United States Code, Section 1344.

OVERT ACTS

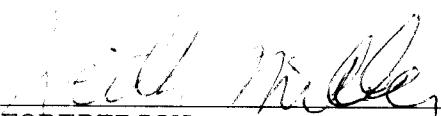
7. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York:

a. On or about July 16, 2004, MICHAEL FELDMAN, the defendant, presented to Comerica Bank false and fraudulent financial documents on behalf of Data-Rite.

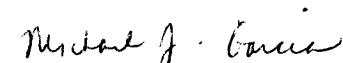
b. On or about September 8, 2004, from New York, New York, FELDMAN sent to Comerica Bank false and fraudulent financial documents on behalf of Data-Rite.

c. On or about September 29, 2004, in New York, New York, FELDMAN and LOURDES SERRANO, the defendants, and CC-1, discussed, among other things, misrepresentations made to Comerica Bank about Data-Rite's financial status.

(Title 18, United States Code, Section 1349.)

  
Michael J. Garcia

FOREPERSON

  
Michael J. Garcia  
MICHAEL J. GARCIA  
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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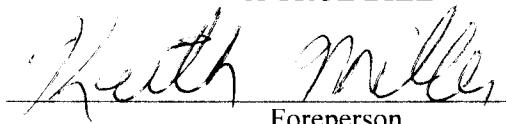
**INDICTMENT**

08 Cr.

(Title 18, United States Code, Section 1349 (1344)).

MICHAEL J. GARCIA  
United States Attorney.

A TRUE BILL

  
Keith Miller  
Foreperson.

Aug 12 2008  
FBI - New York  
FBI - Newark

WB  
8/12/08